

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

PAUL J. MANAFORT, JR.,

Defendant.

Crim. No. 17-201-1 (ABJ)

Filed Under Seal

**GOVERNMENT'S SUPPLEMENTAL MEMORANDUM WITH
RESPECT TO THE COURT'S FEBRUARY 13, 2019 RULING**

The United States of America, by and through Special Counsel Robert S. Mueller, III, submits this memorandum to address two issues arising from the Court's February 13, 2019 oral ruling that Manafort breached his plea agreement and intentionally lied during briefings with the government and testimony before the grand jury.

A. [REDACTED]

The government seeks to bring to the Court's attention additional evidence concerning one prong of the third subject-matter area addressed in the February 13, 2019 ruling, which the Court's written order identifies as the defendant's "multiple false statements to the FBI, the OSC, and the grand jury concerning matters that were material to the investigation: his interactions and communications with Kilimnik." Order, at 3 (Doc. 509). Specifically at issue is the Court's finding that Manafort lied in claiming that he [REDACTED]
[REDACTED]

After the hearing, on February 15, 2019, Rick Gates was interviewed by the Special Counsel's Office and, as discussed below, Gates confirmed that [REDACTED]

[REDACTED].¹ See February 15, 2019 Gates 302, at 1
(Exhibit A). Gates stated that he did not [REDACTED]
[REDACTED]
[REDACTED].

Gates stated, however, that he did not understand the [REDACTED]
[REDACTED] but related to [REDACTED], as noted below.
See February 15, 2019 Gates 302, at 3 (Exhibit A). Gates does not know if [REDACTED]
[REDACTED]
[REDACTED]. *Id.*

As a result of learning new information about a possible [REDACTED], the government again reviewed the available documentary evidence. The government had been aware of the [REDACTED]
[REDACTED] (Exhibit B). The government then identified another [REDACTED]
(Exhibit C). Both [REDACTED] had been provided to the defense as part of discovery on December 8, 2017. The Court referred to the [REDACTED] issue in the February 13, 2019 hearing.² During the February 15, 2019 interview, Gates said he remembered that he used [REDACTED]
[REDACTED] in preparing for the [REDACTED]

¹ As a result of media coverage of the breach litigation, Gates (through counsel) provided information to the SCO about [REDACTED]. The government thereafter met with Gates on February 15 to debrief him.

² See February 13, 2019 Hr'g Tr. at [REDACTED] ("Mr. Manafort said [REDACTED]

As discussed below, the government does not believe that this new evidence should affect the Court's ruling that Manafort lied with respect to the subject matter area in general or its finding that Manafort lied [REDACTED]

[REDACTED] The January 14, 2019 Declaration In Support of the Government's Breach Determination and Sentencing cited the following multiple strands of evidence in support of the position that Manafort lied when he denied [REDACTED]

[REDACTED]: (1) Gates' various statements documented in FD 302s (*see* Declaration ¶ 54); (2) Kilimnik's emails referencing [REDACTED] (*id.* ¶ 55); (3) the fact that Manafort and Gates [REDACTED]; and (4) the fact that on [REDACTED]
[REDACTED], and attached [REDACTED])
(Declaration ¶ 56). With respect to the [REDACTED], the Declaration stated, [REDACTED]
[REDACTED]" *Id.* The Court referenced the [REDACTED] several occasions during the February 4 and 13 hearings, but did not rely solely on [REDACTED] its ruling.³

Because the government presented additional and sufficient evidence that Manafort lied about [REDACTED], Gates' most recent information and the [REDACTED] should not alter the Court's ruling. First, as noted, Gates has provided consistent information that Manafort [REDACTED]
[REDACTED] and did so again at the February 15, 2018 debriefing. Gates' information was summarized in the February 15, 2019 Gates 302 as follows: [REDACTED]

³ See February 13, 2019 Hr'g Tr. at [REDACTED] see February 4, 2019 Hr'g Tr. at [REDACTED]

⁴ See, e.g., January 31, 2018 Gates 302, at 17 (Exhibit [REDACTED]); September 27, 2018 Gates 302, at 2 (Exhibit [REDACTED]); February 7, 2018 Gates 302, at 15 ([REDACTED]).

[REDACTED]
[REDACTED]
[REDACTED] February 15, 2019 Gates 302, at 1 (Exhibit A).

Second, as the Court found, Gates' statements were corroborated by the Kilimnik emails, which specifically referenced the [REDACTED] and which were marked as Government Exhibits [REDACTED]

Third, that Manafort and Gates [REDACTED]
[REDACTED]—a fact not in dispute—also corroborates Gates' statements. Of note, Gates again detailed the substance of [REDACTED] in his February 15, 2019 debriefing. The February 15, 2019 Gates 302 summarized his statements on this issue. February 15, 2019 Gates 302, at 3-4 (Exhibit A). These statements are consistent with the information previously provided by Gates.⁶

Fourth, Gates has again provided evidence that is helpful to Manafort at least with respect to the existence of the [REDACTED]

[REDACTED] The fact that Gates came forward to the government with this information further bolsters his credibility.

Finally, Manafort's statements to the government that he never would have told [REDACTED]
[REDACTED] and only told Gates to [REDACTED] is itself implausible: it is hard to imagine that Gates, who worked for Manafort on the campaign and at DMI, would have taken it on himself to [REDACTED] without authorization or alerting his boss. In sum, the government continues to submit that this [REDACTED] subject matter area has been established

⁵See February 13, 2019 Hr'g Tr. at [REDACTED].

⁶See January 30, 2018 Gates 302, at 2-5 (Exhibit [REDACTED]); see also February 13, 2019 Hr'g Tr. at [REDACTED] ("Exhibit 236, the 302 from January 2018, Gates says we discussed [REDACTED] Those are pretty specific words.").

by a preponderance of the evidence and, in any event, the new information would not undermine the Court's conclusion as to the subject matter area as a whole.

B. [REDACTED]

The government also seeks to advise the Court that the reference in the February 13 transcript to [REDACTED] and [REDACTED] as [REDACTED] should instead identify each [REDACTED].⁷ While [REDACTED] is [REDACTED], both [REDACTED] and [REDACTED] are [REDACTED] [REDACTED]. See January 31, 2018 Gates 302, at 2 (Exhibit [REDACTED]) ('[REDACTED]
[REDACTED]
[REDACTED] . . . "); see also February 12, 2018 Gates 302, at 3 ('[REDACTED]
[REDACTED] (Exhibit D).

* * * * *

For the reasons cited, the government seeks to correct the record with respect to the Court's February 13, 2019, oral ruling based on the information above.

⁷See February 13, 2019 Hr'g Tr. at [REDACTED] | [REDACTED]

Respectfully submitted,

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Special Counsel

Dated: February 26, 2019

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Exhibit A

REDACTED

Exhibit B

REDACTED

Exhibit C

REDACTED

Exhibit D

REDACTED